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Cc: []

From: CN=Mary Grady/OU=DC/O=USEPA/C=US

Sent: Wed 7/11/2012 2:17:04 PM

Subject: Cross-Cutting Issues News for July 11, 2012

[Massachusetts Panel to Advise on Meeting Greenhouse Gas Reduction Targets](#)
[Scientists Sound Alarm Over Coral Reef Decline From Warming Seas, Acidification](#)
[Maine Cites 'Insufficient' Assessments Of Possible Alternatives to Bisphenol A](#)
[White House Opposes Bill to Promote Mines, Says It Would Undercut Environmental Laws](#)
[Environmental Groups File Lawsuit To Overturn Approvals of Shell Spill Plans](#)
[House Could Start Debate on Package Of Reform Bills Week of July 23, Aides Say](#)
[InsideEPA.com - Latest News](#)

[EPA Launches New Risk Assessments For Nanosilver Pesticide Ingredients](#)
[Registrant Joins EPA In Seeking Dismissal Of Nanosilver Pesticide Suit](#)
[Activists Lose Bid To Require Stricter EPA Permit Review For Shale Refinery](#)
[KEYSTONE XL: Compromise route around Neb. Sand Hills still crosses sandy hills](#)
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- [8. OIL AND GAS: Housing woes will grow with Eagle Ford -- report](#)
- [9. PEOPLE: D.C. law firm's new partner brings international energy experience](#)

- [10. PEOPLE: Anadarko VP promoted to executive committee](#)
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[13. NEW YORK: Gas company leaves town after voters approve 1-year drilling moratorium](#)
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CROSS-CUTTING ISSUES NEWS

JULY 11, 2012

HIGHLIGHTS

Climate Change

Massachusetts Panel to Advise on Meeting

Greenhouse Gas Reduction Targets

BOSTON—Massachusetts environmental officials said July 10 they have created a task force to ensure the state meets its greenhouse gas reduction targets outlined under the Global Warming Solutions Act (GWSA)....

Climate Change

Scientists Sound Alarm Over Coral Reef

Decline From Warming Seas, Acidification

MELBOURNE, Australia—Climate change is exacerbating the serious damage to the world's coral reefs caused by local pollution and overfishing, according to a July 9 statement signed by more than 2,700 marine scientists....

Enforcement

Maine Cites 'Insufficient' Assessments

Of Possible Alternatives to Bisphenol A

Maine's Department of Environmental Protection has sent three makers of baby products notices of violation for filing "insufficient" assessments of chemicals they might use as alternatives to bisphenol A in baby food and infant...

Mining

White House Opposes Bill to Promote Mines,

Says It Would Undercut Environmental Laws

The White House announced July 10 its strong opposition to a mining bill on the eve of its scheduled debate on the floor of the House....

Oil Spills

Environmental Groups File Lawsuit

To Overturn Approvals of Shell Spill Plans

ANCHORAGE, Alaska—A coalition of environmental groups July 10 filed a lawsuit in a federal court asking for invalidation of Obama administration approvals of Shell's plans to prevent and respond to oil spills at exploration drilling...

Regulatory Policy

House Could Start Debate on Package Of Reform Bills Week of July 23, Aides Say

House leaders may combine several regulatory reform bills, including a measure to halt all economically significant federal rules already in the pipeline, into a single package for floor debate the week of July 23, House aides told BNA July...

Inside EPA's Environmental Policy Alert, 7/11/12

<http://insideepa.com/Environmental-Policy-Alert/Environmental-Policy-Alert-07/11/2012/menu-id-132.html>

EPA Launches New Risk Assessments For Nanosilver Pesticide Ingredients

EPA is preparing to conduct case-specific ecological and human health risk assessments of nanosilver ingredients in several pesticides, suggesting a new approach to addressing the substances after struggling to craft a regulation requiring registrants to disclose the presence of the materials as a first step in possible regulation.

Registrant Joins EPA In Seeking Dismissal Of Nanosilver Pesticide Suit

The Swiss textile-treatments company whose conditional EPA registration for a nanosilver pesticide is being challenged by an environmental group in federal appeals court has joined the agency in calling for the petition's dismissal, saying in a recent brief that the group lacks standing and that its challenge fails on substance.

Activists Lose Bid To Require Stricter EPA Permit Review For Shale Refinery

EPA's Environmental Appeals Board (EAB) has rejected a suit from environmentalists seeking to require the agency to conduct a stricter review of the first new domestic refinery slated for construction in years to consider the effect of the developers' decision to process local shale oil rather than Canadian synthetic crude that EPA assessed in its 2009 National Environmental Policy Act (NEPA) analysis.

KEYSTONE XL:

Compromise route around Neb. Sand Hills still crosses sandy hills

STUART, Neb. -- Stepping carefully through a 12-foot-deep canyon gouged into the sandy soil of their family ranch by a long-gone storm, Kurt and Laura Meusch ask a Shakespearean question: What's in a name? The slice of their pasture now set to host the Keystone XL oil pipeline, which TransCanada Corp. agreed to steer around what Nebraska officials mark as the delicate dunes of the state's prized Sand Hills, feels no different to the Meusches than the ground the company was pressured into sidestepping. A sandy hill without the Sand Hills label doesn't ease the threat that they and their vocal neighbors say the new pipeline path poses to their water. Go to story #1

ARCTIC:

Enviro launch new legal attack against Shell's drilling plans, but ice poses larger threat

Phil Taylor, E&E reporter

Published: Tuesday, July 10, 2012

Ice cover in Alaska's Beaufort and Chukchi seas is the heaviest it has been over the past decade, creating a natural obstacle that will delay Royal Dutch Shell PLC's drilling plans there until at least early August, the company said today as environmentalists launched a new protest against the company's Arctic drilling plans.

The ice pack, the announcement today of a planned environmental lawsuit and delays in certifying the company's oil spill barge are the latest setbacks for Shell, which has had to run a gantlet of legal and regulatory challenges over the past few years to begin its Arctic drilling project.

"We are recalibrating our drilling expectations," said Shell spokesman Curtis Smith.

The Netherlands-based company, which has invested more than \$4 billion in its Arctic drilling program since acquiring its first leases there in 2005, planned to drill up to two wells in shallow water about 20 miles off the Beaufort coast and up to three wells about 70 miles from the Chukchi coast.

"Certainly, [ice] will curb our season, but we are committed to making the most of the time we do have," Smith added, noting that it is unclear how many of the company's planned wells will be completed this season. "No forecast yet for return ice, but we do expect to stay until October 31 as was originally planned."

In an ironic twist, the Chukchi and Beaufort seas north of Alaska appear to be among the few places in the Arctic experiencing normal ice cover this year, said Walt Meier, research scientist for the National Snow and Ice Data Center in Boulder, Colo. Ice conditions in both seas appear similar to what was seen in the 1980s and 1990s, thanks in part to a cold winter in the Bering

and Chukchi seas, Meier said. Longer ice cover gives the sun less time to warm Arctic water, he said, which could speed the return of ice in the early fall.

While the Beaufort ice is beginning to break up from the east, the outlook largely depends on winds and weather patterns over the coming weeks, he said.

The National Weather Service yesterday reported that a large amount of multiyear sea ice -- which did not melt last summer -- is positioned to move into the opening waters of the Beaufort and Chukchi.

"Multi-year ice tends to be thicker and more dense than younger ice," the agency reported. "Significant amounts of multi-year ice near the ice edge could delay the ice retreat by several weeks."

Lawsuit

In a separate development, a coalition of 10 environmental groups said it is filing a lawsuit today in a federal district court in Alaska challenging the Bureau of Safety and Environmental Enforcement's approval of Shell's oil spill-response plan.

A decision on the lawsuit would be the first in a challenge to offshore oil spill-response plans, according to the groups, which include the Natural Resources Defense Council, Oceana and the National Audubon Society, among others. The lawsuit does not intend to halt drilling this summer but rather to strengthen long-term protections for the Arctic.

"BSEE rubber-stamped plans that rely on unbelievable assumptions, include equipment that has never been tested in Arctic conditions, and ignore the very real possibility that a spill could continue through the winter," the groups said in a joint statement.

"The agency has not met minimum legal standards to be sure that Shell's plans could be effective and that Shell has sufficient boats, resources and spill responders to remove a 'worst-case' oil spill in the Arctic Ocean to the 'maximum extent practicable.'" Shell said it has invested more in oil-spill prevention and response than any other company in the world and is confident its plan will overcome any legal challenges.

"We are confident the approvals of our oil spill-response plans will stand up to any legal review," said Shell spokeswoman Kelly op de Weegh. "These plans are second to none in the world."

Reporter Margaret Kriz Hobson contributed.

OIL AND GAS:

BP delays Alaska project again

Published: Tuesday, July 10, 2012

After discovering its giant Liberty oil project didn't meet company standards, BP PLC said it won't continue with the project slated for the coast of Alaska until some changes are made.

The project was initially expected to be in production by last year. The latest delay is one of many that are raising concerns about whether the project will ever get off the ground.

In December 2010, BP halted construction of the Liberty oil rig to review design and engineering plans in the wake of the company's oil spill disaster in the Gulf of Mexico. The review was recently completed. After examining federal regulation changes, BP Alaska announced the project failed to meet the company's tests, and alterations would be made. The changes will increase the estimated \$1.5 billion cost of the project and will delay drilling by several years.

BP estimates the project could produce 100 million barrels of oil after it drills horizontally for 6 to 8 miles from a man-made gravel island in the Beaufort Sea. BP expects daily oil production of up to 40,000 barrels.

The company said it will "set standards for Arctic oil field development while minimizing the onshore and offshore environmental footprint" (AP/Fuel Fix, July 10). -- H

ENDANGERED SPECIES:

House GOP touts fish species recovery programs but still demands ESA reforms

Laura Petersen, E&E reporter

Published: Wednesday, July 11, 2012

House Republicans yesterday praised a program that successfully recovered four endangered fish species, while continuing to criticize the Endangered Species Act and call for its reform during a Natural Resources subcommittee hearing.

The Upper Colorado River and San Juan River Basin endangered fish recovery programs have been working to restore populations of four species -- the Colorado pikeminnow, razorback sucker, humpback chub and bonytail -- since 1988 and 1992, respectively.

The programs ensure Endangered Species Act compliance for more than 2,000 water projects and are on track to achieve self-sustaining populations by 2023. However, authorization for many of the program's key elements, like nonnative fish removal and hatchery operations, expired in fiscal 2011.

H.R. 6060, introduced by Rep. Rob Bishop (R-Utah) and 12 co-sponsors last month, would reauthorize using \$6 million (adjusted for inflation) in hydropower revenues to fund recovery activities each year through 2019.

Water and Power Subcommittee Chairman Tom McClintock (R-Calif.) praised the cooperative agreement as suppressing "environmental radicalism" he sees occurring on other water systems due to ESA regulations.

"This and future Congresses still have a lot of work to do on reforming the Endangered Species Act, but in the meantime, this legislation offers some common-sense solutions," he said in his opening statement at yesterday's hearing.

Five program participants were on hand to testify in support of their reauthorization. They said the programs are innovative

collaborations among four states, federal agencies, tribes, environmental groups, water users and power companies that have managed to avoid the litigation that so often plagues endangered species management.

McClintock asked one witness what would happen if the bill did not pass.

"We would be plunged into great uncertainty," replied Bennett Raley, a former assistant Interior secretary who is now counsel for the Northern Colorado Water Conservancy District, which distributes water to more than 40 municipalities and water supply districts.

The water supply of millions of people and farmers would be put at risk, he said, because without full funding, the program would have difficulty reaching its recovery goals -- and that could open it up to litigation.

The Bureau of Reclamation believes it still has the authority to use hydropower revenues for base funding under the Colorado River Storage Project Act of 1956, said Grayford Payne, the bureau's deputy commissioner for policy, administration and budget. However, the bill helps provide certainty to the participants, he added.

The proposed bill shortens the reauthorization from 2023, the date proposed by previous legislation, to 2019. While some experts said it would be beneficial to have an earlier date to prompt congressional review, others agreed that it would provide greater certainty for participants if funding were secured for the entire life of the project.

Subcommittee ranking member Grace Napolitano (D-Calif.) said she would recommend extending the date to 2023 but requiring an oversight hearing earlier.

The measure also prohibits federal employees from using program funds on lobbying trips, which Payne said is already banned by existing law, so is "unnecessary and duplicative."

The bill additionally proposes reducing the overhead repayment rate to the Fish and Wildlife Service for its work on program activities from 22 percent to 3 percent. While he did not get into it during the hearing, Payne's written testimony said FWS has been collecting 11 percent and that 3 percent "would make it impossible for the Service to recover the full costs of providing these services."

RENEWABLE ENERGY:

Enviro groups blast plan to extend eagle-kill permits

Published: Tuesday, July 10, 2012

Environmentalists are coming down on a proposal to extend permits for the unintentional killing of eagles from five years to 30 years.

As public lands are being opened up for renewable energy development, officials are using the unintentional killing permits as a means of setting clear ground rules for wildlife protection as spinning turbine blades at wind farms have killed birds.

Regulatory officials contend the rules would provide latitude for more responsible energy development. As part of the agreement under the permits, which are issued under the Bald and Golden Eagle Protection Act, holders must work to offset damage.

But Kelly Fuller, wind campaign coordinator of the American Bird Conservancy, said such long-term permits would make it difficult to make changes if eagle populations face trouble.

"There are just too many uncertainties to be able to give that permit out for that period of time," Fuller said.

The public is allowed to comment on the proposed Fish and Wildlife Service rules until Thursday (Morgan Lee, San Diego Union-Tribune, July 9). -- WW

MINING:

Companies race for deep-sea gold

Published: Tuesday, July 10, 2012

Mining for gold and other metals stored in the deep seabed was once considered a fanciful idea, but a new understanding of marine geology, predictions of metal shortages and technological advances that improve access to the deep are making it real.

Hundreds of deposits of gold, silver, copper, cobalt, lead and zinc have been found in sulfide-rich areas near volcanic springs in the ocean's floor. Now, companies and entrepreneurs are racing to haul up samples and assess deposits that could value into the trillions of dollars.

"We've had extreme success," said Tom Dettweiler, who has turned his firm Odyssey Marine Exploration Inc. from hunting for vanished ships on the seabed to scouring the deep seabed for metals.

But critics say too little research has been done on the risks. An international group of environmentalists has criticized a 20-year plan by the Toronto-based firm Nautilus Minerals Inc. to mine a plot off the coast of Papua New Guinea, saying the effort could be dangerous for fisheries, locals and ecosystems (William Broad, New York Times, July 9). -- AS

ClimateWire -- Wed., July 11, 2012 -- Read the full edition

1. BUSINESS: Companies begin to see necessity and profits in adapting to climate change

A company in Ghana sells weather forecasting text messages to farmers. A Colorado-based environmental consulting firm specializing in hydrologic forecasting helps countries from Bangladesh to Romania identify and map flood hazards. And in the United Kingdom, the makers of a popular fruit juice are developing new strains of black currants to keep local farmers in business as milder winters shrink harvests. From real estate to reinsurance, the private sector is beginning to take unusual new steps to protect communities -- and itself -- from the impacts of climate change.

TODAY'S STORIES

2. CITIES: Community groups work to build Louisville, Ky.'s tree canopy to shield it from heat waves

3. SCIENCE: Climate change loads the dice for more extreme weather -- study
 4. FORESTS: With fires receding across Colo., the new challenge may be water
 5. TRANSPORTATION: U.S. high-speed rail to produce \$26.4B in benefits in coming decades
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 10. EMISSIONS: Review of carbon trading system forthcoming, E.U.'s Hedegaard says
- E&ETV's OnPoint
11. ELECTRICITY: Clean Line Energy founder discusses Midwest wind power transmission project

EnergyWire -- Wed., July 11, 2012 -- Read the full edition

1. HYDRAULIC FRACTURING: Industry-funded report calls out 'weaknesses' in EPA study
- A study funded and designed by the oil and gas industry has found that industry should be more involved in U.S. EPA's study of whether hydraulic fracturing contaminates drinking water. "The industry has been doing this for many years," said Bernhard Metzger, a vice president at Battelle Memorial Institute who oversees the organization's oil and gas practice. "It's a weakness of the study that more industry collaboration is not envisioned."

THIS MORNING'S STORIES

2. REGULATION: States have widely different levels of regulation -- report
3. POLITICS: N.Y. officials accuse Cuomo admin of industry 'collusion'
4. OIL AND GAS: Colo. county wants BLM to move forward with Roan Plateau drilling
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